

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

Briefly, the present application pertains to a control system for controlling the irrigation of a predetermined sub-area. According to independent claims 1 and 12, the system includes a controller that receives rainfall data from a radar and uses this information to determine a moisture content value for the sub-area. This moisture content value is then used to regulate the irrigation of the sub-area. Claim 1 has been amended to recite more clearly the contribution of the inventor to the state of the art.

Claims 1, 2, 4, 6-15 and 17 have been rejected on the ground of double patenting in view of applicant's Patent No. 6,076,740 and Thompson et al. Patent No. 5,717,589. Additionally, all claims have been rejected as being obvious in view of Evelyn-Veere in combination with Thompson et al (Thompson).

Both rejections are unfounded and accordingly, the Applicants respectfully traverse these rejection. Neither primary reference (applicant's earlier patent and Evelyn-Veere) teaches the use of a radar scan in an irrigation control system. Moreover, neither reference teaches the determination of moisture content value of a sub-area based on rainfall data from the radar scan. Thompson teaches radar weather tracking but fails to appreciate that rainfall data may be used in the determination of the moisture content value.

The Examiner argues that Thompson "teaches the use of a weather tracking system that is able to track and predict weather conditions with the use of a radar system in a geographic location." Therefore, according to the Examiner, "it would have been obvious at the time the invention was made to have included the radar system of Thompson with the irrigation control system of Townsend so as to be able to accurately gauge the amount of water for irrigation purposes..."

The Applicants disagree. Thompson provides information about whether there is precipitation falling in a given geographic area, or not. It does not teach a person skilled in the art how to use this information in an irrigation system. More specifically, it fails to teach that this information can be used to determine remotely the moisture content value for a sub-area, and then use this moisture content value to control irrigation. Accordingly, it is respectfully submitted that the claims are patentably distinguishable over the suggested combinations, and accordingly, the application should be allowed.

While the above remarks apply to the independent claims, the dependent claims contain limitations directed to features that are also not obvious in view of either pair of references. However, in view of the fact that the independent claims are clearly not obvious in view of the references, it is not believed to be necessary to analyze these dependent features.

The other references have been examined but are not believed to be applicable to applicant's invention as claimed.

<p><u>CERTIFICATE OF MAILING UNDER 37 CFR §1.8</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class mail service in a post-paid envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 17, 2004.</p> <p> _____ Susan Pierino</p>
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